



MEMO ENDORSED

September 14, 2021

**VIA ECF**

Hon. Lewis A. Kaplan  
District Judge  
Southern District of New York  
500 Pearl St.  
New York, NY 10007-1312

Re: Anderson v. Townsend, et al. 21 Civ. 3569 (LAK)

Your Honor,

I represent the plaintiff, Andre Anderson, in the above-referenced matter.

I write to the Court having just seen the ECF notification of the Court's dismissal of the above matter for failure to respond to the defendants' motion to dismiss to seek the Court's permission, *nunc pro tunc*, to file the plaintiff's opposition on or before September 24, 2021.

Counsel for the defendants, Kami Barker, has indicated that she does not oppose my request, and the plaintiff has not previously requested any extensions or adjournments from the Court previously.

As the docket sheet reflects, the defendants' date for filing an answer or otherwise responding to the complaint was extended twice, and unopposed, between May and July 2021, with the motion return date being scheduled for September 13, 2021.

When the defendants' motion was filed on August 9, 2021, I was in the midst of a multi-plaintiff litigation in the Eastern District against Suffolk County in the matters of *John Does 1-10 v. Suffolk County* 21 Civ. 3409 (GRB) and 21 Civ. 3716 (JS), appealing *John Does 1-10* to the Second Circuit, to include a motion for a preliminary injunction pending appeal, drafting a motion for a preliminary injunction in a matter of first impression in New York State in *Frey v. Bruen*, 21 Civ. 5334 (NSR) (SDNY), an appeal in the First Department in *Rozenberg v. Shea*, 2021-01443, and a reply in the matter of *A.G. v. New York State Department of Mental Health, et al.* 904918-21 (Supreme Court, Albany County). During the majority of August, I was concurrently drafting a petition for certiorari in the matter of *Abekassis v. New York City, New York*, Case No. 21-272.

I would ask to be able to file an opposition by this Friday, however, I am requesting next Friday because on Tuesday I will be filing a reply to the State and New York City defendants' opposition to the

motion for a preliminary injunction in the *Frey* matter mentioned above.

Most sincerely, I am requesting that the filing and service of plaintiff's opposition be extended, *nunc pro tunc*, to Friday, September 24, 2021.

Thank you for Your Honor's consideration.

Sincerely,

/s  
Amy L. Bellantoni

Permission granted  
*nunc pro tunc* to  
+ including 9/28/21.  
The Clerk checked Mark  
Dkt. 21 deemed as moot.  
The judgment of ~~2021~~  
-2- is vacated.

SO ORDERED

  
LEWIS A. KAPLAN, USDT

9/30/21